

REMARKS

Claims 1, 4-17, 19-31, 37, 38 and 40-50 are pending in this application. By this Amendment, claims 1, 19 and 27 are amended. The amendments introduce no new matter because they are supported at least by the claims, as originally filed. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative by Examiners Garcia and Meier in the December 14, 2006 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

The Office Action, in paragraph 15, states that claims 37, 38 and 40-50 are allowed. Further, the Office Action, in paragraph 13 indicates that claims 27-31 recite allowable subject matter. Specifically, the Office Action indicates that these claims would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. Applicants appreciate the allowance of the above-enumerated claims, and the indication of allowability of claims 27-31. Claim 27 is amended to independent form with the inclusion of the subject matter of claim 1. As such, Applicants understand that claims 27-31 are placed in condition for allowance.

The Office Action, in paragraph 1, indicates that the previously allowable subject matter of claim 18, as amended into claim 1 in Applicants' previous response is withdrawn.

The Office Action, in paragraph 2, objects to claims 19-23 for an informality. Claim 19 is amended to obviate the objection. Withdrawal of the objection to claims 19-23 is respectfully requested.

The Office Action, in paragraph 4, rejects claims 24 and 25 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Office Action indicates that claim 24, which depends from independent claim 1, attempts to broaden the scope of the invention.

The Office Action indicates that claim 1, in its reference to a fluid ejector module and a receiving area is considered to be narrower than claim 24 which includes a feature referring to multiple receiving areas for multiple fluid ejector modules. As discussed in the December 14 personal interview, the use of the term "a" in claim 1, based on judicial precedent, refers to "one or more," or "at least one." Examiners Garcia and Meier, during the December 14 personal interview, agreed that the features recited in claim 1 allow "for more than one receiving area to [be] claimed in claim 24." The Examiners indicated that the rejection of claims 24 and 25 under 35 U.S.C. §112, second paragraph, would be withdrawn.

The Office Action, in paragraph 6, rejects claims 1, 4-7, 9, 11, 12, 15, 16, 19 and 22-26 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,820,959 to Spitz et al. (hereinafter "Spitz"). The Office Action, in paragraph 8, rejects claims 8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Spitz in view of U.S. Patent Application Publication No. 2005/0109766 to Miller et al. (hereinafter "Miller"). The Office Action, in paragraph 9, rejects claim 13 under 35 U.S.C. §103(a) as being unpatentable over Spitz. With regard to the rejection of claim 13 enumerated in paragraph 9, it is unclear why the Office Action refers to U.S. Patent No. 5,059,046 to Tanuma et al. Prior art rejections based on this reference were set forth in a previous Office Action over which Applicants effectively argued, and which rejections based on this reference were previously withdrawn. The Office Action, in paragraphs 10 and 11, rejects claims 14, 20 and 21 under 35 U.S.C. §103(a) as being unpatentable over Spitz in view of what the Office Action asserts is U.S. Patent Application Publication No. 8,550,754 to Nikura et al., alone or in view of U.S. Patent Application Publication No. 2002/0001020 to Mrvos et al. (hereinafter "Mrvos"). With regard to reference to U.S. Patent Application Publication No. 8,550,754, Applicants understand these rejections to refer to U.S. Patent No. 5,880,754 to Nikura et al. (hereinafter "Nikura"). These rejections are respectfully traversed.

Spitz teaches an improved inkjet printer cartridge structure that includes a substrate carrier, which Spitz indicates may be molded, cast or machined for precision and it is particularly preferred that the substrate holder be made substantially of metal (col. 2, lines 64-67). The Office Action, indicating at the top of page 4 that the process [molded] of forming the fluid ejector carriage device is not given patentable weight reiterates an argument that has been effectively overcome previously throughout prosecution of this application. Applicants have specifically indicated that it is not the process of forming the fluid ejector carriage that is considered to be patentably distinct over the applied prior art references. Rather, that the thermally fluid ejector carriage device is of "a polymer material containing at least a base polymer and at least one thermally-conductive filler material" is considered, by the Applicants, to represent at least one feature which is patentably distinct over the body of applied prior art.

This argument was set forth in a previous personal interview, and previous response to an Office Action rejecting the pending claims over a metal carriage device. In response, with reference to col. 8, line 51 - col. 9, line 38, and col. 4, lines 32-35, the current Office Action attempts to improperly separate the above feature into disparate component parts in finding the subject matter of the pending claims anticipated by the Spitz reference. It is positively disclosed that Spitz preferably incorporates a substrate structure 10 that is preferably made of metal, that, when coated with a poly (xylylene) coating material to improve corrosion resistance of the metal, is viewed as anticipating a polymer material containing at least a base polymer and at least one thermally-conductive filler material.

Applicants believe that the rejection over Spitz of at least independent claim 1 is improper in that it (1) ignores a proper construction of Applicants' claims, (2) ignores the totality of the prosecution history of this application to date, which has been undertaken, at times, in a piecemeal manner; (3) and overly broadly construes varying limited related

disclosures in Spitz for what they can reasonably be considered teach, or even to have suggested, regarding the subject matter of the pending claims.

Applicants' representative attempted to present the totality of the above arguments to Examiners Garcia and Meier during the December 14 personal interview. In response, the Examiners indicated that it was reasonable to interpret the claim term, as positively recited in claim 1, wherein the thermally conductive fluid ejector carriage device is molded from a polymer material containing at least a base polymer and at least one thermally conductive filler material, to be read wherein the thermally conductive fluid ejector carriage device is molded from at least one thermally conductive material, i.e., metal, the metal then being coated with a polymer coating. Applicants do not believe that the positively recited claim term can be construed in this manner in order to force any interpretation of the Spitz reference to teach the subject matter of the pending claims.

In response to Applicants' representative presenting this argument to the Examiners during the December 14 personal interview, Examiner Meier indicated that the Examiners' reading of the positively recited claim terms was, in fact, reasonable, and as such, the Spitz reference did, in fact, anticipate the subject matter of the pending claims. Applicants do not agree with this conclusion. However, purely in an effort to advance prosecution, and in response to Examiner Meier's indication that Applicants' arguments in this regard were unpersuasive and that the prior art rejections of the Office Action would not be withdrawn unless claim 1 was further amended, Applicants voluntarily amend claim 1 to clarify the subject matter recited in that claim over what Applicants continue to believe is an improper and unsupportable interpretation of the positively recited claim terms.

Claim 1 recites, among other features, "wherein the thermally-conductive fluid ejector carriage device consists essentially of a polymer material, the polymer material comprising: at least a base polymer; and at least one thermally-conductive filler material mixed in the at

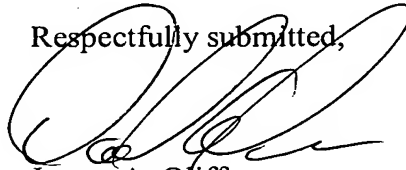
least the base polymer material." Applicants do not consider this amendment necessary to patentability of the pending claims but rather advance this attempt at clarification purely in an effort to further prosecution in light of the Examiners' position as stated during the December 14 personal interview.

Applicants respectfully submit that Spitz cannot reasonably be considered to teach, or even to have suggested, a thermally-conductive fluid ejector carriage device consisting essentially of a polymer material, the polymer material comprising: at least a base polymer; and at least one thermally-conductive filler material mixed in the at least the base polymer material. Examiners Garcia and Meier conceded that by amending the claims in this manner, including clarification that the polymer material contains both at least one base polymer and at least one thermally-conductive filler material, appeared to distinguish the subject matter of the pending claims over any invention disclosed in, for example, Spitz.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 4-16 and 19-26 in addition to the allowance of claims 37, 38 and 40-50, and the indication of allowability of claims 17 and 27-31, claim 27 amended to independent form, are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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